

CS FOR HOUSE BILL NO. 107(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/18/05

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVE RAMRAS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or**
2 **viewing of fish or game; amending Rules 79 and 82, Alaska Rules of Civil Procedure;**
3 **and amending Rule 508, Alaska Rules of Appellate Procedure."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 16.05.790(a) is amended to read:

6 (a) Except as provided in (e) of this section, a person may not intentionally
7 obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish
8 or game by

9 (1) placing one's self in a location in which human presence may alter
10 the

11 (A) behavior of the fish or game that another person is
12 attempting to take or view; or

13 (B) feasibility of taking or viewing fish or game by another
14 person; [OR]

(2) creating a visual, aural, olfactory, or physical stimulus in order to alter the behavior of the fish or game that another person is attempting to take or view;
or

(3) physically interfering or tampering with equipment being used for lawful hunting, fishing, trapping, or viewing purposes.

* Sec. 2. AS 16.05.790(e) is amended to read:

(e) This section does not apply to

(1) lawful competitive practices among persons engaged in lawful hunting, fishing, or trapping;

(2) actions taken on private property with the consent of the owner;

[OR]

(3) the obstruction or hindrance of the viewing of fish or game by a person actively engaged in lawful fishing, hunting, or trapping; or

(4) a law enforcement officer while performing the duties of the office.

* Sec. 3. AS 16.05.791(b) is amended to read:

(b) A person aggrieved by a violation of AS 16.05.790 is entitled to recover general damages and special damages, including license and permit fees, travel costs, guide-outfitting fees, costs for special equipment and supplies, and other related expenses. **The prevailing party in an action described in this subsection, other than an action relating to commercial fishing, is entitled to reasonable actual attorney fees and costs.**

* Sec. 4. The uncoded law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE CHANGE. The provisions of AS 16.05.791(b), amended by sec. 3 of this Act, have the effect of amending Rules 79 and 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure, by providing for the award of reasonable actual attorney fees and costs to the prevailing party in an action brought by a person aggrieved by a violation of AS 16.05.790.